

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.,
State Engineer,

Plaintiff,

vs.

No. 69cv07941-BB-ACE
RIO CHAMA STREAM SYSTEM
Section 7

ROMAN ARAGON, et al.,

Defendants.

MOTION TO ALLOW CONSIDERATION
OF LATE FILED RESPONSE

Henry Coors moves the Court to enter an order allowing his Response to Motion for Sanctions and Reply to the Response to Motion to Set Aside Default Judgment be considered by the Court in its submission of the Motion to Set Aside Default Judgment (7901) and would show the Court as follows:

1. The Response to the Motion to Set Aside Default Judgment was filed on or about June 2, 2005.
2. Mr. Coors was out of state at that time and returned to Casa Grande, Arizona on June 12, 2005 at which time he came to Albuquerque. He actually received a copy of the Motion while he was in Albuquerque between June 12 and June 14.
3. The information needed to respond to the Sanctions Motion and the Response to the Motion to Set Aside Default Judgment was located in Casa Grande, Arizona in storage.
4. Mr. Coors purchased a home in Casa Grande, Arizona in March, 2005 and sold his motor home on June 29, 2005.

5. Mr. Coors is not completely moved into the house and many of his items remain in storage or in boxes due to ongoing remodeling.

6. Accordingly, he was not able to locate the documents necessary for the detailed Affidavit which he filed in time to submit a timely response.

7. Additionally, the hand written Affidavit was faxed to the office of Walter L. Reardon, Jr. on or about June 29, 2005 (close to the holiday weekend) and was put aside for a secretary who does business and legal work for Mr. Coors but who does not work from this office.

Concurrence of Opposing Counsel

Concurrence of opposing counsel has been requested and concurrence was denied by Peter Shoenfeld, attorney for Andrews and Padilla. Concurrence was requested from Plaintiff but no response was received..

WHEREFORE, Henry Coors prays that the Court consider the late filed Responses to the Motions as part of the submission.

WALTER L. REARDON, JR., P.A.

WALTER L. REARDON, JR., 2158
Attorney for Henry G. Coors
3733 Eubank Blvd., N.E.
Albuquerque, NM 87111-3536
Telephone: (505) 293-7000
Fax: (505) 293-0831
Email: walter@reardonlawnm.com

We hereby certify that a copy of the foregoing pleading was sent by the method(s) indicated below to the person(s) and indicated address(es) listed below on the 15th day of July, 2005. If by facsimile or email, the transmission was reported as complete and without error.

Special Master Vickie L. Gabin, sent via first class mail
USDC-DCNM
P. O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall
Data Manager, sent via first class mail
1315 Sagebrush Drive, S.W.
Los Lunas, NM 87031

Bradley S. Bridgewater
David W. Gehlert, sent via first class mail
USDOJ-ENRD
999 18th Street, Suite 945
Denver, CO 80202

John W. Utton, sent via first class mail
Sheehan, Sheehan & Stelzner, PA
P. O. Box 271
Albuquerque, NM 87103-0271

Paula Garcia, sent via first class mail
NM Acequia Association
607 Cerrillos Road, Suite F
Santa Fe, NM 87505

Benjamin Phillips
John F. McCarthy
Rebecca Dempsey, sent via first class mail
White, Koch, Kelly & McCarthy, PA
P. O. Box 787
Santa Fe, NM 87504-0787

Lester K. Taylor, sent via first class mail
Nordhaus, Haltom, Taylor,
Taradash & Bladh, LLP
405 Dr. Martin Luther King Avenue, N.E.
Albuquerque, NM 87102-3541

Susan Jordan, sent via first class mail
1239 Paseo de Peralta
Santa Fe, NM 87501

Tessa T. Davidson, sent via first class mail
The Davidson Law Firm
P. O. Box 2240
Corrales, NM 87048

Marcus J. Rael, Jr., sent via first class mail
500 4th Street, N.W., Suite 200
Albuquerque, NM 87102

Pierre Levy, sent via first class mail
Law Offices of Daniel J. O'Friel, Ltd.
P. O. Box 2084
Santa Fe, NM 87504-2084

John P. Hays, sent via first class mail
Cassutt, Hays & Friedman, PA
530-B Harkle Road
Santa Fe, NM 87505

Daniel Cleavinger, sent via first class mail
P. O. Box 2470
Farmington, NM 87499

Ted J. Trujillo, sent via first class mail
P. O. Box 2185
Española, NM 87532-2185

Karen L. Townsend, sent via first class mail
120 East Chaco
Aztec, NM 87410

NM Acequia Commission, sent via first class mail
Fred Vigil, Chairman
Dept. of Finance & Administration
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

Martin E. Threet, sent via first class mail
Martin E. Threet and Associates
6605 Uptown Blvd., N.E., Suite 280
Albuquerque, NM 87110

Kurt J. Van Deren, sent via first class mail
P. O. Box 94750
Albuquerque, NM 87199-4750

Gary S. Friedman, sent via first class mail
Cassutt, Hays & Friedman, PA
530-B Harkle Road
Santa Fe, NM 87505

Peter B. Shoenfeld, sent via first class mail
P. O. Box 2421
Santa Fe, NM 87504-2421

Ernest L. Padilla, sent via first class mail
Padilla Law Firm, PA
P. O. Box 2523
Santa Fe, NM 87504-2523

Jeffrey H. Albright
Cynthia A. Loehr, sent via first class mail
Jontz, Dawe Gulley & Crown, PC
201 Third Street, N.W., Suite 1950
Albuquerque, NM 87103-1027

Ed Newville, sent via first class mail
Special Assistant Attorney General
Office of the State Engineer
P. O. Box 25102
Santa Fe, NM 87504-5102

Sent By: Karen Madison
Sender's Fax: (505) 293-0545
Sender's Email: walter@reardonlawnm.com